

Regular Session, 2011

HOUSE BILL NO. 361

BY REPRESENTATIVE ROY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRAFFIC/ACCIDENTS: Revises provisions relative to access to accident reports

1 AN ACT

2 To amend and reenact R.S. 32:398(F) and (K)(1)(a) and R.S. 44:4.1(B)(17), relative to
3 access of accident reports; to provide for examination of reports without cost; to
4 remove confidentiality provisions; to remove exemptions to the public records laws;
5 to change the time for availability of the report; to provide an exemption for news-
6 gathering organizations regarding prohibitions on screening reports; restricts
7 information that may be redacted by agencies; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 32:398(F) and (K)(1)(a) are hereby amended and reenacted to read
10 as follows:

11 §398. Accident reports; when and to whom made; information aid; fees for copies;
12 fees for accident photographs

13 * * *

14 F. The state police, any local police department, or any sheriff's office shall
15 allow inspection without cost during normal business hours or shall provide copies
16 of crash reports to any interested person upon request and may charge a fee for the
17 copy of the crash reports, not to exceed the sum of five dollars per report that does
18 not exceed two pages, and seven dollars and fifty cents per report that exceeds two
19 pages.

20 * * *

1 K.(1)(a) The reports required by this Section, and the information contained
2 in the reports, ~~shall be confidential, shall be exempt from the provisions of R.S. 44:1~~
3 ~~et seq., and shall be made available only:~~ to the parties to the accident, parents or
4 guardians of a minor who is a party to the accident, and insurers of any party which
5 is the subject of the report; to the succession representatives of those parties, or to
6 the attorneys of the parties or succession representatives; or to a news-gathering
7 organization that requests documents related to the accident. Upon request, accident
8 reports shall be made available to the above-enumerated persons within ~~seven~~ three
9 working days following the completion of the accident investigation. Members of
10 news-gathering organizations are exempt from any prohibition on screening accident
11 reports. An agency may redact only social security numbers, driver's license
12 numbers, names and addresses of law enforcement officers engaged in undercover
13 activities, and the names of minors.

14 * * *

15 Section 2. R.S. 44:4.1(B)(17) is hereby amended and reenacted to read as follows:
16 §4.1. Exceptions

17 * * *

18 B. The legislature further recognizes that there exist exceptions, exemptions,
19 and limitations to the laws pertaining to public records throughout the revised
20 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
21 limitations are hereby continued in effect by incorporation into this Chapter by
22 citation:

23 * * *

24 (17) R.S. 32:398, ~~707.2~~ 707.2, 1254

25 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Roy

HB No. 361

Abstract: Allows for an interested party to an accident to inspect a crash report without cost during normal business hours. Further removes confidentiality provisions and the exemption from laws pertaining to Louisiana's public record laws. Changes the time for availability of the accident report and provides exemptions for news-gathering organizations.

Present law requires state police, any local police department, or any sheriff's office to provide copies of crash reports to any interested person upon request and may charge a fee not to exceed the sum of \$5 per report that does not exceed two pages, and \$7.50 per report that exceeds two pages.

Proposed law adds a provision to require the state police, any local police department, or any sheriff's office to allow inspection of an accident report without cost during normal business hours.

Present law requires that the information contained in the accident reports shall be confidential, exempt from the provisions of the public records laws, and shall be made available only to parties of the accident; insurers of any party subject to the report; the succession representatives; or to a news-gathering organization that requests documents related to the accident. Present law further provides that the report shall be made available to these persons within seven working days following completion of the accident investigation.

Proposed law removes the requirement for confidentiality and the exemption from the provisions of the public records laws regarding the accident report and the information contained in the reports. Proposed law further removes the restriction that the report shall only be provided to the parties of the accident; insurers of any party subject to the report; the succession representatives; or to a news-gathering organization that requests documents related to the accident.

Proposed law changes the time for availability of the report from seven days to three days.

Proposed law exempts members of news-gathering organizations from any prohibition on screening accident reports. Further provides that an agency may redact only social security numbers, driver's license numbers, names and addresses of law enforcement officers engaged in undercover activities, and the names of minors.

(Amends R.S. 32:398(F) and (K)(1)(a) and R.S. 44:4.1(B)(17))